

Appl. No. 10/771,543
Amdt. Dated August 23, 2007
Reply to Office Action of August 22, 2006
And Notice of Non-Compliant Amendment of May 11, 2007

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REMARKS

Applicant respectfully requests that the amendment dated February 21, 2007 be accepted and entered as a compliant response to the official action of August 22, 2006.

As indicated in a Supplemental Response to the Official Action filed August 22, 2006, Applicant's attorney had attempted to resolve the problem of two amendments having been submitted in response to the Office Action of August 22, 2006. As explained in the Supplemental Response, the undersigned attorney had filed an amendment dated February 21, 2007. Subsequently after receiving the transferred files of the assignee, Applicant's attorney became aware of an amendment that had been filed by counsel previously responsible for the application and file; this was filed on February 22, 2007.

The Notice of Non-Compliant Amendment was transmitted to the undersigned counsel on August 7, 2007.

In the Supplemental Response, Applicant's counsel had requested that the amendment of February 22, 2007 be disregarded and that the amendment dated February 21, 2007 be accepted and entered as the response to be given consideration.

Unfortunately, the present Examiner was apparently unaware of the Supplemental Response and of the earlier filed amendment. He issued the Notice of Non-Compliant Amendment as to the response dated February 22, 2007.

Following discussions with the Examiner, it was agreed that the least confusing approach to the situation would be to file a fresh amendment in response to the Notice of Non-Compliant Amendment in which the claims and specification were submitted in appropriate form and additionally containing the arguments which are set forth hereinafter.

Thus, it is respectfully submitted that Applicant had filed an appropriate response to the Office Action dated February 21, 2007 along with an extension of time for three months. Applicant's attorney filed a Supplemental Response dated May 29, 2007. Since the application files were being transferred from prior counsel to the undersigned counsel, we did not receive the Notice of Non-Compliant Amendment until August 17, 2007 at which time Applicant's attorney consulted with the Examiner to explain the situation and seek guidance as to the manner in which the confusion best be addressed.

To clarify the record and provide the specification and claims in proper form for response to the Official Action of August 22, 2006, the amendments and arguments are repeated herein since the Notice of Non-Compliant Amendment relates to the amendment filed on February 22, 2007, it has apparently not been entered. Thus, the amendments provided herein are those in the properly filed response of February 21, 2007, and the specification and claims are in final and acceptable form for passage of the application to issue.

Applicant had made the following statement as to the rejection of the claims and distinctions over the prior art.

Independent Claim 15 has been amended substantially to make clear that there are spheroidal surfaces on the axle and on the inside of the hub which permits the wheel to pivot about the axle and thus retain its motion in a horizontal plane even though the top of the door is angled relative to the horizontal.

Attached are sketches that illustrate what is occurring when a door is pivoted so that it will abut the vertical surfaces of the jamb. As illustrated, this produces noise and chatter and effects undue forces on the guides for the door which is riding up and down within the track.

In the present invention, there are spheroidal surfaces on the hub and axle to permit the hub to move about the axle and maintain the wheel in a horizontal plane.

The Farris et al patent appears to use a partially spherical form to retain the wheel hub on the axle but it does not contemplate or provide the self-aligning feature which is the subject matter of the claims as now presented.


Gehrke does not disclose or suggest the present invention, or cure the deficiencies of Farris. Neither prior art patent contains a suggestion for the reconstruction which would be involved.

If there is any fee tended to the resolution of this confused matter, please debit the deposit account of Pepe & Hazard LLP, Deposit Acct. No. 03-3355.

Accordingly, it is respectfully submitted that the amended claims presented in the amendment dated February 21, 2007 clearly define Applicant's novel assembly, and early allowance thereof is earnestly solicited.

Respectfully submitted,

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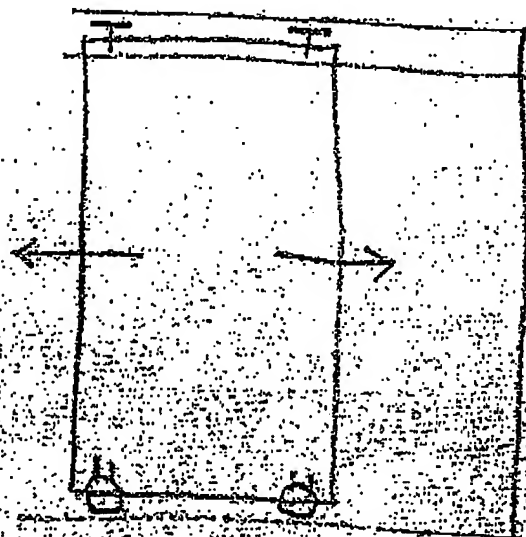
APPENDICES

Attached are demonstrative illustrations.

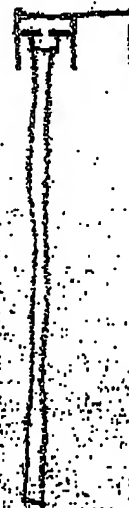
DEMONSTRATIVE ILLUSTRATION

Guide wheel rotating in horizontal plane on vertical
axel

①

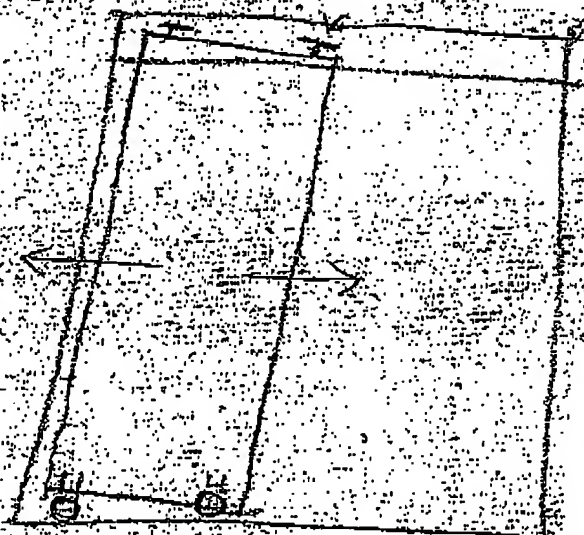


FRONT VIEW



SIDE VIEW

②



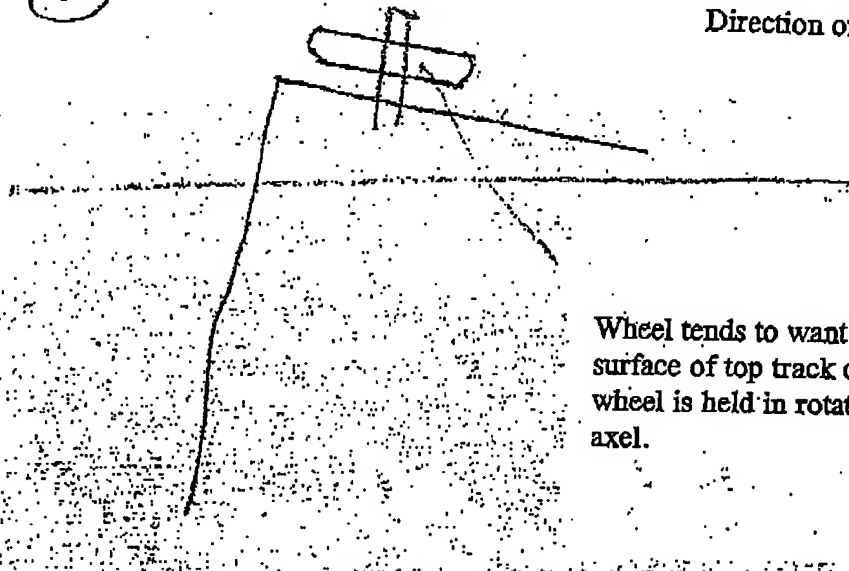
Guide wheel no longer rotating in horizontal plane as
result of door being adjusted off vertical to align with
off vertical side jamb

Door, being bottom rolling, still travels on horizontal
line with floor track

DEMONSTRATIVE ILLUSTRATION

(3)

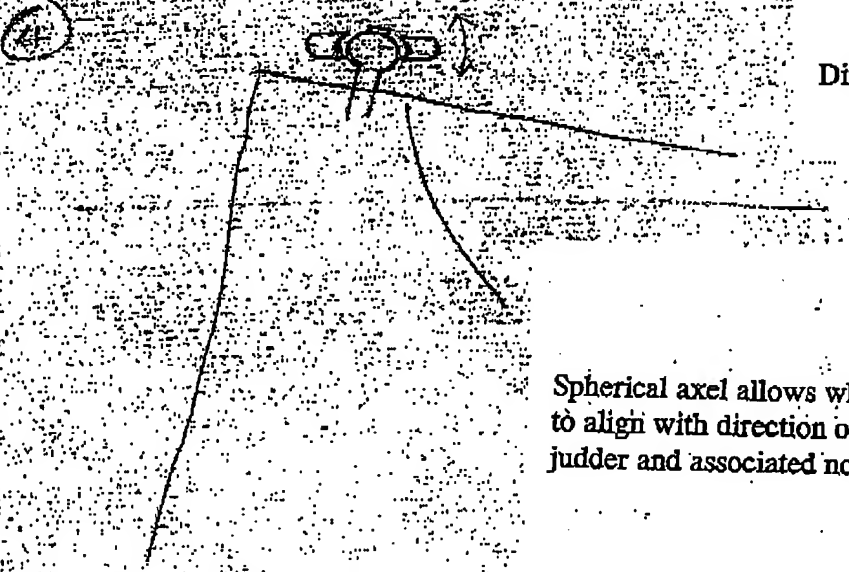
Direction of Travel. <—>



Wheel tends to want to travel up or down contact surface of top track causing the door to judder. The wheel is held in rotational plane fixed by cylindrical axel.

(4)

Direction of Travel. <—>



Spherical axel allows wheel to alter its rotational plane to align with direction of travel and eliminate door judder and associated noise.